

REMARKS

Claims 1, 11, and 13 have been amended. Applicant contends that the amendments contained herein are supported by the Specification as filed and thus do not constitute new matter.

Election of Species/Restriction

The Examiner requested election of the telephone Restriction Requirement of June 10, 2003, Applicant elects, **with traverse**, Group I, Species A, claims 2-5 and 14 along with generic claims 1 and 8-13. Applicant respectfully withdraws remaining claims 6, 7, and 15-20.

Claim Objections

Claims 5 and 11 were objected to. Regarding claim 5, the Examiner asserted that in view of the specification, the pressure sensitive adhesive (PSA) remains with the printable sheet. Moreover, the Examiner asserted that it is not clear if the second sheet in claim 5 is a printable sheet or a non-printable sheet. Applicant respectfully contends that paragraph [0031], lines 5-9, of the Specification provides for a pressure sensitive adhesive to remain on the second sheet upon separation of the first and second sheets regardless of whether the second sheet is a printable sheet or a non-printable sheet. Therefore, the objection to claim 5 is overcome. Claim 11 has been amended to overcome the objection thereto.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 8, and 11-14 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Magill et al. (US 5,813,772). Claims 1-4, 8-10, and 12-14 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Onishi et al. (US 5,955,167). Claims 1, 2, and 8-13 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Haruta et al. (US 5,922,625). Claims 1-3 and 8-14 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Mahn, Jr. (US. 6,224,958). Applicant respectfully traverses these rejections.

Claims 1 and 13, as currently amended, are directed to a print media for use in an imaging device for personal or office use. In claim 1, the print media includes a first sheet having a printable surface and a second surface opposite the printable surface, where the first sheet is rubber. In claim 13, the print media includes a rubber sheet, where a side of the rubber sheet opposite an adhesive layer is adapted to accept marking material.

Applicant carefully reviewed Magill et al., Onishi et al., and Haruta et al. and found no indications of a print media that includes a rubber sheet having a printable surface, as in claim 1, or a print media that includes a rubber sheet, where a side of the rubber sheet opposite an adhesive layer is adapted to accept marking material, as in claim 13. Therefore, Magill et al., Onishi et al., and Haruta et al. do not include what is included in claims 1 and 13, and claims 1 and 13 should be allowed over Magill et al., Onishi et al., and Haruta et al.

(6) Applicant carefully reviewed Mahn, Jr. and found no indication that Mahn, Jr. is directed to a print media for use in an imaging device for personal or office use, as are claims 1 and 13. Rather, Mahn, Jr. is directed to a label or transfer adapted to mark an elastomeric article, such as any rubber product that is utilized in the automotive industry (see column 4, lines 21-22). Indicia are applied to the label or transfer using a thermal transfer apparatus, such as a Datamax DMX 600 or Avery Accumark 9500 (see column 3, lines 44-45). This suggests that Mahn, Jr. does not contemplate print media for use in an imaging device for personal or office use. Furthermore, Mahn, Jr. purports to provide a pre-printed article and therefore expressly teaches away from a print media as that term is used in Applicant's Specification and claims (see Mahn, Jr., column 3, lines 37-45). Applicant respectfully asserts that one of ordinary skill in the art would not have been motivated to stop the production of the Mahn, Jr. article to retain a printable media as that term is used in Applicant's Specification and claims (Cf. MPEP 2144.09). Therefore, (7) Applicant contends that the structure of Mahn, Jr. is inherently different from print media for use in an imaging device for personal or office use. Consequently, Mahn, Jr. does not include what is included in claims 1 and 13, and claims 1 and 13 should be allowed over Mahn, Jr.

AMENDMENT & RESPONSE TO NON-FINAL OFFICE ACTION

Serial No. 10/075,156

Title: PRINT MEDIA HAVING A STRETCHABLE PORTION

PAGE 8

Attorney Docket No. 10015233-1

Claims 2-4 and 8-12 depend directly or indirectly from claim 1 and therefore include patentable limitations of claim 1. Claim 14 depends directly from claim 13 and therefore includes patentable limitations of claim 13. Therefore, claims 2-4, 8-12, and claim 14 should be allowed.

CONCLUSION

Claims 1, 11, and 13 have been amended. In view of the above, Applicant respectfully submits that the claims are in condition for allowance and requests reconsideration of the application and allowance of the claims. If the Examiner has any questions regarding this application, please contact the under-signed at (612) 312-2208.

Respectfully submitted,

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